

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION
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MDL No. 2419 Master Dkt. 1:13-md-02419-RWZ
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THIS DOCUMENT RELATES TO:
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All Actions
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**LEAD COUNSEL’S NOTICE TO CENTERS FOR MEDICARE AND MEDICAID  
SERVICES, UNITED STATES DEPARTMENT OF JUSTICE, AND ALL INTERESTED  
PARTIES CONCERNING HEARING ON AUGUST 16, 2016**

On July 28, 2016, Lead Counsel for the Plaintiffs’ Steering Committee (“Lead Counsel”) made a report to the Court concerning attempts by the Court-appointed Tort Trustee, Lynne Riley (“Tort Trustee”) to resolve claims for medical cost reimbursement asserted against payments from the Tort Trust by the Centers for Medicare and Medicaid Services (“CMS”). Lead Counsel reported that an agreement in principle had been reached with CMS and that the draft agreement was under consideration by the United States Department of Justice (“DOJ”).

On August 4, 2016, as directed by the Court in the July 29, 2016 conference, Lead Counsel filed a motion with the Court seeking Court approval of the agreement with CMS while formal approval of the terms of the agreement are still under consideration by the DOJ [Dkt. No. 3023]. A copy of that motion is attached to this Notice at Exhibit A.

Notice is hereby given that the Court has set a hearing to consider Court approval of the agreement while approval by the DOJ is pending. The hearing is scheduled for August 16, 2016, at 2:00 p.m. EDT [Dkt. No. 3012]. The Court instructed Lead Counsel to inform the DOJ and HHS that telephonic attendance at that hearing by DOJ and HHS counsel familiar with the

agreement and the approval process is required. Notice was effectuated to DOJ and HHS by Lead Counsel as indicated by the Certificate of Service attached hereto.

Dated: August 5, 2016

Respectfully submitted,

**/s/ Thomas M. Sobol**

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*Plaintiffs' Lead Counsel*

**CERTIFICATE OF SERVICE**

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

In addition to filing on ECF, on August 5, 2016, I caused a copy of the forgoing Notice to be sent by electronic mail, including the courtroom dial-in number, to the following individuals at the United States Department of Justice as well as the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services:

Cathy Burdette, Esq. (DOJ)

Amanda Strachan, Esq. (DOJ)

George Varghese, Esq. (DOJ)

David Glass, Esq. (DOJ)

Suzanne Mattes (HHS)

Nicholas Martin (HHS)

Steve Forry (HHS)

Dated: August 5, 2016

**/s/ Thomas M. Sobol**  
Thomas M. Sobol (BBO# 471770)